

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1764.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: May 31, 2001
DATE OF REPORT: June 25, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: September 10, 2001

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee (CCC) meeting upon the parent's request.

511 IAC 7-27-11(a) and (e) with regard to the school's alleged failure to provide instruction by appropriately licensed personnel to a student with a temporary or chronic illness that precludes the student's attendance at school.

511 IAC 7-27-11(c) with regard to the school's alleged failure to provide special education and related services, including access to the general education curriculum, in accordance with the student's individualized education program (IEP) to a student whose temporary or chronic illness precludes the student's attendance at school.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-27-4(a)(4) with regard to the school's alleged failure to convene a CCC meeting when a change of placement is being proposed or considered.

FINDINGS OF FACT:

1. The student is fourteen years old, will be in the ninth grade this fall, and has been determined eligible for special education due to an emotional disability and a communication disorder.
2. The parent asserts on May 15, 2001, she asked the school principal to convene a CCC meeting to discuss how educational services would be provided to the student should she withdraw the student from school. According to the parent, the principal informed her that the student could not be absent from school without a doctor's statement. Based on her conversation with the principal, the parent states she obtained a physician's statement on May 15, 2001. The physician's statement indicates it is medically necessary for the student to have her homework assignments sent home until the end of the school year. In addition, the parent states the principal informed her on May 15th that a CCC meeting could not be convened because it was so late in the school year. The physician's statement was received by the special education planning district on May 16, 2001. The parent states she spoke with the director on May 16, 2001, and requested that a CCC meeting be scheduled. The parent states she was advised by the director that a CCC meeting was not necessary because the parent had provided a physician's statement. The parent reports she

spoke with the assistant director on May 17, 2001, and requested a CCC meeting. The assistant director indicates in her response that the parent never asked her or the director to schedule a CCC meeting. In a letter dated June 6, 2001, the principal wrote that the parent never asked her to schedule a CCC meeting.

3. The school received a letter from the parent on May 25, 2001. The letter dated May 23, 2001, indicates that the parent had been informed by the director on May 16, 2001, that a CCC meeting concerning the student's absence from school was not necessary, because the parent had provided the school with a physician's statement. The parent reports that the purpose for writing this letter was to reiterate what she had been told by the director on May 16th, because she felt the information she had been told on this date was not correct. The parent asserts, although informed otherwise by several school personnel, it was still her understanding that a CCC meeting needed to be convened to discuss the student's change of placement. No CCC meeting was convened during the last six instructional days of the school year.
4. From the time the school received a copy of the physician's statement indicating that it was medically necessary for the student to have her homework assignments sent home until the end of the school year, only thirteen instructional days remained in the 2000-2001 school year.

CONCLUSIONS:

1. Finding of Fact #2 indicates conflicting information on whether the parent made a verbal request for a CCC meeting to various school administrators on May 15, 16, and 17. However, Finding of Fact #3 reflects that the school received a letter from the parent on May 25, indicating that she wanted a CCC convened to discuss a change of placement for the student. Because only six instructional days remained, no CCC meeting was convened, and no violation of 511 IAC 7-27-4(a)(3) is found. However, in response to the parent's request, a CCC meeting must be convened prior to the beginning of the 2001-2002 school year.
2. 511 IAC 7-27-11 requires the school to provide instruction to a student who has a temporary illness and whose physician has submitted a written statement that the student's illness precludes the student's attendance at school for 20 consecutive school days. Findings of Fact #2 and #4 reflect that, although a physician's statement was submitted on May 16, 2001, there were on 13 instructional days left in the school year. Therefore, no violation of 511 IAC 7-27-11(a), (c), and (e) is found.
3. Findings of Fact #2 and #3 reflect that, due to a temporary illness, the student was unable to attend the last 13 days of school. Although the parent reportedly wanted to convene the CCC to formally change the student's placement from school to homebound, the student's absence for this period of time did not constitute a change of placement for which the school failed to convene the CCC. Therefore, no violation of 511 IAC 7-27-4(a)(4) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. Send a memorandum to all appropriate personnel reminding them that a CCC meeting shall be convened upon the request of a parent. Submit a copy of the memorandum to the Division no later

than August 31, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.

2. Convene a CCC meeting prior to the first instructional day of the 2001-2002 school year to address the student's change of placement and any other pertinent issues involving the student's educational program. Submit to the Division no later than August 31, 2001, a copy of the CCC Report and any revised IEP.

DATE REPORT COMPLETED: June 25, 2001